

**REED SMITH LLP**

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Counsel for Defendant  
*Wells Fargo Bank, N.A., improperly named as  
Wells Fargo Home Mortgage*

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

ALTHEA ALBRIGHT,

Plaintiff,

v.

WELLS FARGO HOME MORTGAGE,

Defendant.

Civil Action No.

**NOTICE OF REMOVAL**

**PLEASE TAKE NOTICE** that pursuant to 28 U.S.C. §§ 1331, 1441(a) and (c) and 1446, Defendant Wells Fargo Bank, N.A., improperly named as Wells Fargo Home Mortgage (“Wells Fargo”), by its attorneys, hereby removes this action from Berks County Magisterial District Court 23-2-03 to the United States District Court for the Eastern District of Pennsylvania. In support of this Notice of Removal, Wells Fargo states as follows:

**Background**

1. Plaintiff Althea Albright (“Plaintiff”) originally commenced this action by filing a Complaint against Wells Fargo in Berks County Magisterial District Court 23-2003, where it is currently captioned *Althea Albright v. Wells Fargo Home Mortgage*, Docket No. CV-0000136-2020.

2. Plaintiff's Complaint was filed with the Magisterial District Court on August 7, 2020. Wells Fargo was served with Plaintiff's Complaint on January 5, 2021.

3. Wells Fargo is the sole defendant in this action and therefore, there is no need for Wells Fargo to obtain the consent of any other party pursuant to 28 U.S.C. § 1446(b)(2)(A).

4. Pursuant to 28 U.S.C. § 1446(a), a copy of the Complaint served on Wells Fargo is attached hereto as **Exhibit A**.

5. This Notice of Removal is timely, having been filed within thirty (30) days of the date on which Wells Fargo received Plaintiff's Complaint. *See* 28 U.S.C. § 1446(b)(1).

6. As more fully set forth below, this case is properly removed to this Court pursuant to 28 U.S.C. § 1331 because this is an action arising under the laws of the United States. Wells Fargo has satisfied the procedural requirements for removal set forth in 28 U.S.C. § 1446. In filing this Notice of Removal, Wells Fargo reserves all defenses, including but not limited to lack of personal jurisdiction, insufficient process, insufficient service of process, and failure to join and/or misjoinder of parties.

**Removal is Proper as This Case Arises under the Fair Credit Reporting Act**

7. Under 28 U.S.C. § 1331, United States District Courts are vested with jurisdiction to consider cases or controversies "arising under" the laws of the United States of America. *See* 28 U.S.C. § 1331.

8. Here, Plaintiff's Complaint asserts a claim against Wells Fargo for alleged violations of the Fair Credit Reporting Act. 15 U.S.C. § 1681, *et seq.* *See* **Exhibit A**. Plaintiff's Complaint alleges that Wells Fargo has improperly reported information on Plaintiff's credit reports, causing Plaintiff to sustain damages. Therefore, this Court may properly exercise jurisdiction over this claim.

9. To the extent that any other claims in this action may arise under state law, supplemental jurisdiction over such claims exists pursuant to 28 U.S.C. § 1367(a).

**Wells Fargo has Satisfied the Procedural Requirements for Removal**

**A. Removal to This Court is Proper**

10. Berks County Magisterial District Court 23-2-03, is located within the Eastern District of Pennsylvania. Therefore, venue is proper because the action is being removed to the “district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(b); *see also* 28 U.S.C. §84(c)(2).

**B. Removal is Timely**

12. Plaintiff filed the state court action on August 7, 2020 and did not serve Wells Fargo until January 5, 2021.

13. This Notice is timely in that it is being filed within thirty (30) days of Wells Fargo’s service of Plaintiff’s initial pleading, which was the first time that Wells Fargo ascertained that the Magisterial District Court action was removable under federal law. *See* 28 U.S.C. 1446(b).

**C. Compliance with 28 U.S.C. § 1446**

14. No previous application has been made for the relief requested herein.

**D. Pleadings and Process Have Been Provided**

15. Pursuant to 28 U.S.C. Section 1446(a), copies of all process, pleadings and orders received by Wells Fargo in the state court action, including the Complaint, are filed and attached with this Notice of Removal as **Exhibit A**.

16. Pursuant to 28 U.S.C. §1446(d), written notice of this Notice of Removal of this action is being immediately filed with Berks County Magisterial District Court 23-2-03.

17. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal of this action is being caused to be served upon counsel for Plaintiff.

**WHEREFORE**, Wells Fargo gives notice that this action is removed from Berks County Magisterial District Court 23-2-03 to the United States District Court for the Eastern District of Pennsylvania.

**REED SMITH LLP**

Dated: February 1, 2021

/s/ Diane A. Bettino  
Diane A. Bettino, Esq.

*Counsel for Defendant Wells Fargo Bank,  
N.A., improperly named as Wells Fargo  
Home Mortgage*